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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application : Karl-Heinz Boven, et al. **NOTICE OF ALLOWANCE**  
Application No. : 09/785,559 **dated March 12, 2004**  
Filed : February 16, 2001  
Confirmation No. : 3534  
For : APPARATUS FOR EXECUTING ELECTRO-PHYSIOLOGICAL  
MEASUREMENTS ON CELLS  
Examiner : William H. Beisner  
Attorney's Docket : WITTE-011XX

TC Art Unit: 1744

\*\*\*\*\*  
I hereby certify that this correspondence is being deposited with the  
United States Postal Service as first class mail in an envelope  
addressed to: Mail Stop ISSUE FEE, Commissioner for Patents, P.O. Box  
1450, Alexandria, VA 22313-1450 on 6-8-4.

By: *Charles L. Gagnebin III*  
Charles L. Gagnebin III  
Registration No. 25,467  
Attorney for Applicant(s)

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INFORMATION DISCLOSURE STATEMENT

Mail Stop ISSUE FEE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

It is desired to cite for the record in this application the  
enclosed references listed on the attached copy of PTO Form #1449. The  
paragraph(s) marked below are applicable to this Information Disclosure  
Statement.

[ ] (1) Pursuant to 37 C.F.R. § 1.97(b)(1) and (2), the attached  
Information Disclosure Statement is being filed within three  
months of the filing date of the above identified national  
application or within three months of the date of entry of the  
national stage as set forth in 37 C.F.R. § 1.491 of the above  
identified application. Accordingly, applicant(s) believes that  
no fee or statement under 37 C.F.R. § 1.97(e) is required.

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- [ ] (2) Pursuant to 37 C.F.R. § 1.97(b)(3), applicant(s) believes the attached Information Disclosure Statement is being filed before the mailing date of a first Office action on the merits. Accordingly, applicant(s) believes that no fee or statement under 37 C.F.R. § 1.97(e) is required.
- [ ] (3) Pursuant to 37 C.F.R. § 1.97(b)(4), applicant(s) believes the attached Information Disclosure Statement is being filed before the mailing date of a first Office action after the filing of a request for continued examination under § 1.114. Accordingly, applicant(s) believes that no fee or statement under 37 C.F.R. § 1.97(e) is required.
- [ ] (4) Pursuant to 37 C.F.R. § 1.97(c), the attached Information Disclosure Statement is being filed before the mailing date of a final action or a notice of allowance and is accompanied by:
- [ ] a statement under 37 CFR § 1.97(e); or
- [ ] the fee set forth in § 1.17(p).

PETITION UNDER 37 CFR § 1.97(d)

- [X] (5) Pursuant to 37 CFR § 1.97(d), applicant(s) hereby petitions the Commissioner to consider the attached Information Disclosure Statement which is being filed on or before payment of the issue fee. This petition is accompanied by a statement under 37 C.F.R. § 1.97(e) and the petition fee set forth in 37 C.F.R. § 1.17(p).

STATEMENT UNDER 37 C.F.R. § 1.97(e)(1)

- [X] (6) The undersigned hereby states that each item of information contained in the attached Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.

STATEMENT UNDER 37 C.F.R. § 1.97(e)(2)

- [ ] (7) The undersigned hereby states that no item of information contained in the attached Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in the attached Information Disclosure

Application No.: 09/785,559  
Filed: February 16, 2001  
TC Art Unit: 1744  
Confirmation No.: 3534

Statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

Where the status of the application has changed, unknown to the applicant, such that the boxes checked are no longer applicable, the Commissioner is authorized to accept this submission with any additional fees required by that change charged to Deposit Account No. 23-0804.

The filing of this Information Disclosure Statement is not a representation by the undersigned as to personal knowledge of the contents of every word or phrase of the material enclosed or that reliance on other suitably trained professionals has not been made.

If a search report of a searching agency is enclosed identifying the nature of the relevance of each document, such a designation is deemed to satisfy 37 C.F.R. § 1.98(a)(3) even if in a foreign language because the codes are the same in all languages. However, applicant(s) does not necessarily adopt the position reflected by that report.

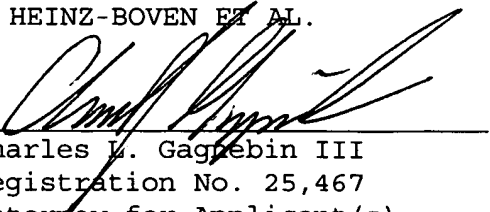
These references were cited in a European Search Report (copy enclosed) which issued in corresponding European patent application No. 02 00 3489.

Application No.: 09/785,559  
Attorney Docket No.: WITTE-011XX  
Filed: February 16, 2001  
TC Art Unit: 1744  
Confirmation No.: 3534

The Commissioner is hereby authorized to charge payment of any additional fees associated with this communication or credit any overpayment to Deposit Account No. 23-0804. Triplicate copies of this letter are enclosed.

Respectfully submitted,

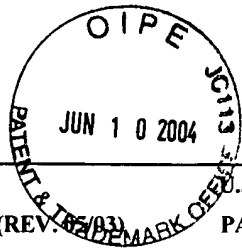
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Enclosure



Date: June 8, 2004

Page 1 of 1

<b>U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE</b>  <b>INFORMATION DISCLOSURE CITATION</b> <i>(Use several sheets if necessary)</i>	ATTY. DOCKET NO.	APPLICATION NO.
	WITTE-011XX	09/785,559
	APPLICANT: Karl-Heinz Boven, et al.	
	FILING DATE February 16, 2001	TC ART UNIT 1744

**U.S. PATENT DOCUMENTS**

EXAMINER INITIAL	DOCUMENT NUMBER	PUBLICATION/ ISSUE DATE	NAME	CLASS	SUBCLASS	FILING DATE
	US 6,048,722	04/11/2000	Farb et al.			
	US 4,128,456	12/05/1978	Lee et al.			
	US 6,063,260	05/16/2000	Olesen et al.			
	US 5,462,645	10/31/1995	Albery et al.			
	US					
	US					
	US					

**FOREIGN PATENT DOCUMENTS**

	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO
	JP 11 083 785 Abstract	03/26/1999	Japan			X	
	GB 2 297 383	07/31/1996	Great Britain			X	

**OTHER DOCUMENTS** (including Author, Title, Date, Pertinent Pages, etc.)

	Costa, Alberto C. S. et al. "Improved technique for studying ion channels expressed in xenopus oocytes, including fast superfusion," BIOPHYSICAL JOURNAL, volume 67, July 1994, pp. 395-401.

**EXAMINER****DATE CONSIDERED**

**\*EXAMINER:** Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.